Before the Federal Communications Commission Washington, D.C. 20554

In the Matter of)	
Time Warner Communications Rochester, New York)	File No. EB-03-BF-149
)	NOV No. V20043228009
)	
Attention: Tom Allen)	

NOTICE OF VIOLATION

Released: December 12, 2003

By the Resident Agent, Buffalo Office, Enforcement Bureau:

- 1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules, to Time Warner Communications, operator of the cable system serving Rochester, New York.
- 2. On November 20, 2003 an agent of the Commission's Buffalo Office inspected the cable system in Rochester, New York and observed the following violation:
 - 47 C.F.R. § 76.605 (a)(12): ".... signal leakage from a cable television system shall be measured in accordance with the procedures outlined in § 76.609(h) and shall be limited as follows:....Over 54 up to and including 216 MHz, 20 uV/m." The agent detected and measured signal leakage in excess of 20 microvolts per meter allowed by the rules at the following locations in Rochester, New York with the indicated field strength in microvolts per meter.
 - 1. Rustic Village Apartments, pole behind building # 310 uV/m # 333, RG&E # 1J
 - 2. Herietta Road and Flatt Road 160 uV/m
- 3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Time Warner Communications must submit a written statement

¹ 47 C.F.R. § 1.89.

² 47 U.S.C. § 308(b).

concerning this matter within 20 days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of the cable system with personal knowledge of the matter. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission Buffalo Office 1307 Federal Building Buffalo, New York 14202

- 4. This Notice shall be sent to Time Warner Communications, Attn: Tom Allen, 71 Mount Hope Ave., Rochester, New York 14620-1090.
- 5. The Privacy Act of 1974³ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

FEDERAL COMMUNICATIONS COMMISSION

David A. Viglione Resident Agent Buffalo Office

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 et seq.